

CITY COUNCIL AGENDA

SEPTEMBER 24, 2002

SYNOPSIS

LINDA J. LE ZOTTE
FORREST WILLIAMS
CINDY CHAVEZ
CHUCK REED
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER
GEORGE SHIRAKAWA, JR.
DAVID D. CORTESE
JOHN DIQUISTO
PAT DANDO

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Economic and Neighborhood Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Recreation and Cultural Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Aviation Services*** — Provide for the air transportation needs of the community and the region at levels that are acceptable to the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 10 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

1. **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item/s that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
2. When the Council reaches your item on the agenda, Mayor Ron Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
3. Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
4. To assist you in tracking your speaking time, there are three lights located to the far right of the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

- **Call to Order and Roll Call**
9:00 a.m. - Closed Session, Room 600, City Hall
Absent: Council Member Williams (excused)

1:35 p.m. - Regular Session, Council Chambers, City Hall
Absent: Council Member Williams (excused)
- **Invocation (District 8)**
Imam Tahir Anwar, South Bay Islamic Association with temporary facilities located in Evergreen and Milpitas, delivered the Invocation.
- **Pledge of Allegiance**
Mayor Gonzales led in the Pledge of Allegiance.
- **Orders of the Day**
Approved.

1 CEREMONIAL ITEMS

- 1.1** Presentation of a commendation to Sandy Herz, Executive Director of the Software Development Forum, for leadership in the organization, increasing membership, and making the Software Development Forum the leading software membership organization in the State. (Economic Development)
Joining Mayor Gonzales at the Podium were Paul Krutko, Director of Economic Development, and honoree Sandy Herz. Mayor Gonzales presented the commendation to the honoree in recognition of the successful leadership of the now 2,000-member organization.
- 1.2** Presentation of a commendation to Judith Doering-Nielsen, founding member of the Development Enhancement Special Fund (DESF) Fund Advisory Board (FAB), for leadership as chairperson of FAB which generated private capital loans and direct loans, resulting in retaining and/or creating jobs. (Economic Development)
Mayor Gonzales and Paul Krutko, Director of Economic Development, acknowledged the honoree's contributions to the City of San José; and on behalf of the City Council, Mayor Gonzales presented to commendation to Judith Doering-Nielsen.

1 CEREMONIAL ITEMS

- 1.3 Presentation of Annual Redevelopment Agency Employee Recognition Awards.
(Executive Director)

Joining Mayor Gonzales at the Podium, Redevelopment Agency Executive Director, Susan F. Shick, introduced the honorees, acknowledged the accomplishments of the employees, and Mayor Gonzales presented the awards to Elyse Egan, Alex Guiang, Sachin Kalbag, Alison Novak, Edith Ramirez, Dan Scettrini, Joaquina Twidwell. Director Susan Shick acknowledged the hard work of Frank Chan, who was unable to attend the ceremony.

2 CONSENT CALENDAR

2.1 Approval of Minutes.

Recommendation: Approval of City Council Minutes for:

- (a) Regular meeting of March 5, 2002

Approved.

- (b) Joint City Council/Redevelopment Agency Board meeting of March 5, 2002

Approved.

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances:

- (a) ORD. NO. 26729 – Amends Title 24 of the San José Municipal Code to adopt the 1997 Uniform Building, 2000 Plumbing and Mechanical Codes, the 1999 National Electrical Code, and portions of the 1997 Uniform Code for Building Conservation with certain exceptions, modifications, and additions.

Ordinance No. 26729 adopted.

- (b) ORD. NO. 26709 – Amends Section 23.04.020 of Chapter 23.04 of Title 23 of the San José Municipal Code to include regulations of skyline signs and roof signs within the area bounded by US Highway 101, Interstates 237 and 880, and the Guadalupe River and to make additional minor modifications.

[Deferred from 9/3/02 – Item 2.2(a) and 9/17/02 – Item 2.2(a)]

Ordinance No. 26709 adopted.

Council approved the ordinance and directed Staff to return to Council with an amended version of said Section to also include signs “north of Highway 237”.

2 CONSENT CALENDAR

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances:

- (c) ORD. NO. 26735 – Amends Chapter 17.12 of the San José Municipal Code to adopt the 2001 California Fire Code with local amendments to codify existing policies and practices with respect to fire prevention and storage, use and handling of hazardous materials, and to adopt additional requirements.

Ordinance No. 26735 adopted.

2.3 Approval of an agreement related to a proposed sports fields complex in the Almaden Valley Urban Reserve.

Recommendation:

- (a) Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with the Almaden Youth Association to engage qualified consultants to prepare and provide preliminary planning reports related to a proposed sports fields complex in the Almaden Valley Urban Reserve, in an amount not to exceed \$50,000.

Resolution No. 71218 adopted.

- (b) Adoption of the following appropriation ordinance amendments in the Council District 10 Construction and Conveyance Tax Fund:

- (1) Increase the Almaden Winery Center Conversion Project (Appn 4172) by \$15,000.
- (2) Decrease the Reserve: Park Acquisition and Development Project by \$15,000.

Ordinance No. 26740 adopted.

- (c) Adoption of the following appropriation ordinance amendments in the General Fund:

- (1) Establish a McKean Road Sports Complex Project for \$50,000.
- (2) Decrease the Almaden Winery Center Conversion Project by \$15,000.
- (3) Decrease the General Fund Contingency Reserve by \$35,000.

Council District 10. CEQA: Not a Project. (Parks, Recreation and Neighborhood Services/Budget Office)

(Deferred from 9/10/02 – Item 2.5 and 9/17/02 – Item 2.15)

Ordinance No. 26741 adopted.

2.4 Approval of revisions to the Administrative Citation Schedule of Fines.

Recommendation: Adoption of a resolution making revisions to the Administrative Citation Schedule of Fines to renumber sections, add new fines, and make clarifying changes for consistency with the San Jose Municipal Code. (City Attorney's Office)

Resolution No. 71216 adopted.

2 CONSENT CALENDAR

2.5 Approval of open purchase orders for the purchase of supplies, materials, equipment, and services.

Recommendation: Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2002-2003 #7, and authorization for the Director of General Services to execute the purchase orders. CEQA: Not a Project. (General Services)

Approved.

2.6 Approval of an agreement to use, operate, and manage the San José Municipal Stadium.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute a two-year agreement with Baseball Acquisition Company, Inc. (BAC) to use, operate, and manage the San José Municipal Stadium. CEQA: Not a Project. SNI: Spartan/Keyes. (Parks, Recreation and Neighborhood Services)

Resolution No. 71217 adopted.

2.7 Approval for a grant application for a 21st Century Community Learning Center Program.

Recommendation: Adoption of a resolution authorizing the City Manager to submit a grant application in the amount of \$2 million to the California Department of Education for a 21st Century Community Learning Center Program.

(Parks, Recreation and Neighborhood Services)

Dropped.

2.8 Approval of a master agreement for the Coyote Creek Trail Project.

Recommendation: Approval of a master agreement with Amphion Environmental, Inc. for design consultant services for the Coyote Creek Trail Project from the date of execution through December 31, 2006, in an amount not to exceed \$249,000. CEQA: Not a Project. Council District 7. SNI: Tully/Senter, Rockspring. (Public Works)

Approved.

2.9 Approval to award a contract for the San Tomas Park Restroom Renovation Project.

Recommendation: Report on bids and award of contract for the San Tomas Park Restroom Renovation Project to the low bidder, Sanchez Incorporated, in the amount of \$162,200, and approval of a contingency in the amount of \$16,000. CEQA: Exempt, PP02-07-187. Council District 1. (Public Works)

Approved.

2 CONSENT CALENDAR

2.10 Approval of various actions related to the Evergreen Park Irrigation Renovation Project.

Recommendation:

- (a) Report on bids and award of contract for the Evergreen Park Irrigation Renovation Project to the low bidder, B&B Landscape Contractors, Inc., to include the base bid and Add Alternate No. 1 in the amount of \$291,500, and approval of a contingency in the amount of \$15,000.

CEQA: Exempt, PP02-07-198.

Approved.

- (b) Adoption of the following appropriation ordinance amendments in Council District 8 Construction & Conveyance Tax Fund:
 - (1) Increase the Evergreen Park Irrigation Renovation Project by \$30,000.
 - (2) Decrease the Ending Fund Balance by \$30,000.

Council District 8. (Public Works/City Manager's Office)

Ordinance No. 26739 adopted.

2.11 Approval of agreements for the Boynton Avenue Sidewalk Improvement Project and the Boynton/Williams Road Sidewalk Improvement Project.

Recommendation: Approval of individual purchase agreements between the City of San José for the:

- (a) Boynton Avenue Sidewalk Improvement Project with:
 - (1) Lois Ann Neal and Mary Ellen Calliger, for the purchase of a portion of their property located at 337 Boynton Avenue, and a temporary construction easement thereto, in the amount of \$6,500.
Approved.
 - (2) Advance Development Group, Inc., for the purchase of a portion of its property located at 339 Boynton Avenue, and a temporary construction easement thereto, in the amount of \$4,600.
Approved.
- (b) Boynton/Williams Road Sidewalk Improvement Project with
 - (1) Charles H. Baccus Jr. and Dolores J. Baccus, for the purchase of a portion of their property located at 900 Boynton Avenue, and a temporary construction easement thereto, in the amount of \$3,150.
Approved.
 - (2) Victor Shinagawa, for the purchase of a portion of his property located at 962 Boynton Avenue, and a temporary construction easement thereto, in the amount of \$3,000.
Approved.

2 CONSENT CALENDAR

2.11 Approval of agreements for the Boynton Avenue Sidewalk Improvement Project and the Boynton/Williams Road Sidewalk Improvement Project. – (Cont'd.)

Recommendation: Approval of individual purchase agreements between the City of San José for the:

- (b) Boynton/Williams Road Sidewalk Improvement Project with
 - (3) Hatsuko Kanemoto, for the purchase of a portion of his property located at 970 Boynton Avenue, and a temporary construction easement thereto, in the amount of \$3,450.

Approved.

- (4) Robert A. and Dorothy Escarcega for the purchase of, and a right of entry for immediate access to, a portion of their properties located at 980 Boynton Avenue, in the amount of \$4,300.

CEQA: Exempt, PP02-01-001. Council District 1. (Public Works)

Approved.

2.12 Approval to award a contract for the Thousand Oaks and Roy Avenue Parks Youth and Tot Lot Renovation Project.

Recommendation: Report on bids and award of contract for the Thousand Oaks and Roy Avenue Parks Youth and Tot Lot Renovation Project to the lowest responsive bidder, Boulder Rock Landscape Construction, Inc., in the amount of \$353,506, and approval of a contingency in the amount of \$17,700. Thousand Oaks Park CEQA: Exempt, PP02-07-188. Roy Avenue Park CEQA: Exempt, PP02-07-189. Council Districts 9 and 6. (Public Works)

Approved.

2.13 Approval of an agreement related to the Civic Center Project.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with Willis Insurance Services of California, Inc. to provide broker services for an Owner Controlled Insurance Program for the Civic Center Project.

CEQA: Resolution No. 68905. (Finance)

(Deferred from 9/17/02 – Item 2.9)

Deferred to 10/01/02.

END OF CONSENT CALENDAR

3 STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session Mayor Gonzales, Chair No Report.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee - Meeting of September 11, 2002

Vice Mayor Shirakawa, Jr., Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
The Redevelopment Agency items to be reported out at Redevelopment Agency Board meeting.
- (b) City Council
 - (1) Review September 24, 2002 Draft Agenda
The Committee recommended approval of the September 24, 2002 Council Agenda.
 - (2) Add New Items to September 17, 2002 Amended Agenda
The Committee recommended four additions to the September 17, 2002 Council Agenda.
- (c) City Council Committees
 - (1) Amendments to Council Committee Agendas
 - (a) Finance and Infrastructure Committee
None Filed.
 - (b) Economic Development and Environment Committee
None Filed.
 - (c) Education, Neighborhoods, Youth, and Seniors Committee
 - (1) Approve addition of items to the ENYS Committee Workplan for meetings of October 21, 2002, November 18, 2002, and December 16, 2002
The Committee recommended approval to add the following items to the ENYS Committee workplan for the period August through December 2002:
 - **October 21, 2002**
“Status Report on Citywide Trail Projects”
(PRNS)
 - **November 18, 2002**
“Status Report from the Airport Ombudsman and Noise Monitoring Center”
(Airport)
 - **December 16, 2002**
“Status Report on City-wide Trail Projects”
(PRNS)
Remove: “Status Report on Skate Parks”
(PRNS) – now reported bi-monthly

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee - Meeting of September 11, 2002 – (Cont'd.)

Vice Mayor Shirakawa, Jr., Chair

(d) Meeting Schedules

This Item Reported to Council on 09/17/02.

(e) The Public Record

The Committee noted and filed the Public Record for the period August 28 – September 3, 2002.

(f) Boards, Commissions and Committees

None Presented.

(g) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee

(1) Request to reconvene the Traffic Calming Committee and approve its workplan for two meetings

The Committee (a) referred Council Member Reed's request to the Administration with direction to incorporate all of the specific topics listed on Page 2 into the Department of Transportation's Traffic Calming Report which is scheduled to be heard by Council on September 24, 2002; and (b) requested a status report on the traffic calming public outreach campaign regarding how the City coordinates with the Strong Neighborhoods Initiative, community leaders, and other involved groups.

(2) Direct Administration to initiate an audit of the Airport Neighborhood Services Group

The Committee (a) directed the Administration to check with Council Member Yeager to determine who will perform the audit, the Administration, or the City Auditor, and (b) directed the Administration to return September 18, 2002 with a workload assessment.

(3) Direct Administration to report back on the feasibility of instituting a code enforcement case-tracking log for use by Council

The Committee directed the Administration to return to Rules Committee on September 25, 2002 with a workload assessment to institute a code enforcement case-tracking log for use by Council.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee - Meeting of September 11, 2002 – (Cont'd.)

Vice Mayor Shirakawa, Jr., Chair

(h) Administrative Reviews and Approval

- (1) Approve use of Council General funds by Council Member LeZotte to attend the League of California Cities' Annual Conference in Long Beach, CA, October 2-5, 2002**

The Committee approved the use of Council General funds by Council Member LeZotte to attend the League of California Cities' Annual Conference in Long Beach, CA, October 2-5, 2002.

(i) Oral Communications

William Garbett expressed concern regarding agendas and Brown Act regulations.

(j) Adjournment

The meeting was adjourned at 2:25 p.m.

The Rules Committee Report and actions of September 11, 2002 accepted with the Administration directed to follow up on response to the letter from Norm Matteoni on behalf of District 4 businesses' who requested information regarding relief under the "Arterial and Major Collectors Fund Ordinance".

Report of the Rules Committee - Meeting of September 18, 2002 (Partial)

(h) Administrative Reviews and Approval

- (2) Approve City Position on November 2002 State Ballot Proposition 46: Housing and Emergency Shelter Trust Fund Act of 2002**

The Committee approved the recommended City position of "Support" for the Statewide Ballot Proposition 46, "Housing and Emergency Shelter Trust Fund Act of 2002", set on the November 2002 General Election.

The Partial Rules Committee Report and actions of September 18, 2002 accepted.

3.3 Report of the Finance and Infrastructure Committee – September 11, 2002

Council Member Dando, Chair

(a) Consent Items

- (1) Monthly Investment Report for July 2002**

- (2) July Monthly Report**

The Committee accepted the Consent Items.

(b) Major Information Technology Projects Update

(Including IT Master Plan Quarterly Status Report)

The Committee accepted the Staff Report.

3 STRATEGIC SUPPORT SERVICES

3.3 Report of the Finance and Infrastructure Committee – September 11, 2002 – (Cont'd.)

Council Member Dando, Chair

- (c) An Audit of the School Age Growth and Enrichment Program of the Department of Parks, Recreation, and Neighborhood Services

The Committee accepted the Staff Report.

See Item 3.6 for Council action taken.

- (d) Oral Petitions
None presented.

- (e) Adjournment
The Committee meeting was adjourned at 3:45 p.m.

The Finance and Infrastructure Committee Report and actions of September 11, 2002 accepted.

3.4 Presentation of the Independent Police Auditor's 2002 Midyear Report.

Recommendation: Presentation of the Independent Police Auditor's 2002 Midyear Report. (Independent Police Auditor)

Council accepted the Report and directed the Independent Police Auditor to work with Police Chief/Internal Affairs in an effort to complete complaint reviews within the six-month time period.

This Item heard in conjunction with Item 2 of the San José Financing Authority, Page 23.

3.5 Approval of various actions related to the Hayes Conference Center.

Recommendation:

- (a) Acceptance of the report of HVS, International entitled, *Market Study, Operational Review, and Cash Flow Analysis: Hayes Mansion Conference Center*.
- (b) Adoption of a resolution by the City Council authorizing the City Manager to negotiate and execute an amendment to the Second Amended and Restated Agreement to lease by and between City of San José and Hayes Renaissance, L.P. (HRLP) to facilitate short term economic relief for HRLP, in a total amount not to exceed \$4.85 million, including utilization of the Hayes Mansion Trust Fund and the capital reserve account in the Community Facilities Revenue Fund for payment of the Phase I and Phase III debt service on behalf of HRLP and providing a line of credit to HRLP for necessary operating expenses and further authorizing the City Manager to take other actions related to providing HRLP with economic relief.

This Item continued on the next page.

3 STRATEGIC SUPPORT SERVICES

3.5 Approval of various actions related to the Hayes Conference Center. – (Cont'd.)

Recommendation:

- (c) Adoption of a resolution by the City of San José Financing Authority to clarify and supplement the authorized expenditures of the Hayes Mansion Trust Fund, including the transfer of a portion of these funds to City.
- (d) Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with HVS, International for consultant services for the period October 1, 2002 to June 30, 2003, for monitoring and evaluation of Hayes Conference Center operations and related services at a cost not to exceed \$112,500.
- (e) Adoption of the following appropriation ordinance and funding sources resolution amendments in the Community Facilities Revenue Fund:
 - (1) Decrease the Reserve for Hayes Capital Improvements by \$1,500,000;
 - (a) Establish an appropriation for the Hayes Mansion Line of Credit in the amount of \$ 3,000,000;
 - (b) Increase the earned revenue estimate by \$1,500,000.
- (f) Direct the Administration to provide a report to the City Council by December 17, 2002 on the performance of the Hayes Conference Center and the status of lease marketing efforts by HRLP.

CEQA: Negative Declaration. Council District 2. (City Manager's Office)
(Rules Committee referral 9/18/02)

See San José Financing Authority Agenda Item 2 for Council action taken.

3.6 Approval to refer the School Age Growth and Enrichment Program.

Recommendation: Approval to refer the School Age Growth and Enrichment Program to the Education, Neighborhoods, Youth and Seniors Committee.

(Parks, Recreation and Neighborhood Services)

[Finance and Infrastructure Committee referral 9/11/02 – Item 3.3(c)]

Approved.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.1 Report of the Economic Development & Environment Committee – September 9, 2002

Council Member Williams, Chair

- (a) Workforce Investment Act Program FY 2001-02 Fourth Quarter Performance Report

The Committee accepted the report.

- (b) Office of Economic Development Report of Activities: January 1 to June 30, 2002

The Committee accepted the report.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.1 Report of the Economic Development & Environment Committee – September 9, 2002 – (Cont'd.)

- (c) Street Tree Pruning and Replacement Processes
The Committee deferred the report to 10/07/02.
- (d) Approval of Amendments to Agreements with Neighborhood Housing Services Silicon Valley to expand the Mayfair Neighborhood Acquisition/Rehabilitation Pilot Program into all Strong Neighborhoods Initiative (SNI) Areas.
The Committee accepted the report.

See Item 4.6 for Council action taken.

- (e) Notification Procedures for Street Tree Removal
The Committee accepted the report.
- (f) Oral Petitions
None Presented.
- (g) Adjournment
The meeting was adjourned at 2:55 p.m.

The Economic Development & Environment Committee Report and actions of September 9, 2002 accepted.

4.2 Approval of various actions related to the Almaden Family Apartments.

Recommendation: Adoption of a resolution:

- (a) Approving a loan of up to \$8,950,000 and a conditional grant of up to \$5,290,000 to Almaden Family Housing Partners, L. P., or its designated partnership, for the development of the Almaden Family Apartments, a 225-unit family rental development located at 1525-1541 Almaden Road.
- (b) Finding that the use of redevelopment funds for the project is of benefit to the Redevelopment Project Areas in San José. CEQA: Negative Declaration, PDC98-089. Council District 7.

(Housing)

(Deferred from 9/3/02 – Item 4.3)

Dropped.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.3 Approval of the 2001-2002 Consolidated Annual Performance Evaluation Report.

Recommendation: Adoption of a resolution approving the 2001-2002 Consolidated Annual Performance Evaluation Report (CAPER). CEQA: Not a Project.
(Housing/Parks, Recreation and Neighborhood Services)
(Deferred from 9/10/02 – Item 4.2)

Resolution No. 71219 adopted.

Staff was directed to (a) provide Council with the “Homeless Resource Pocket Guide”, which is used by Housing in outreach efforts; (b) to report to Council via appropriate Council Committee on the status of outreach efforts and how the City can increase the number of childcare facilities; (c) provide Council with a status report on and recommendations for the distribution of Section 8 information to SNI neighborhoods; and (d) to include in the “Report Card”, the number of affordable housing unit completions by Council Districts.

4.4 Approval of various actions related to the Evans Lane Apartments.

Recommendation: Adoption of a resolution:

- (a) Authorizing the issuance of tax-exempt multifamily housing revenue bonds in the principal amount not to exceed \$31.0 million;
- (b) Approving a loan of bond proceeds to Evans Lane Apartments, L.P., a California limited partnership created by Community Home Builders & Associates and JSM Enterprises, Inc, for financing the construction of the Evans Lane Apartments development; and
- (c) Approving in substantially final form: the Trust Indenture, the Financing Agreement, the Regulatory Agreement and Declaration of Restrictive Covenants, the Assignment and Intercreditor Agreement, the Bond Purchase Agreement and the Official Statement; and authorizing the Director of Finance and Director of Housing to execute and, as appropriate, to negotiate these documents and other related documents as necessary.

CEQA: ND, PDCSH 01-10-096. Council District 6. (Finance/Housing)

Resolution No. 71220 adopted.

4.5 Public Hearing and adoption of a resolution vacating a portion of a public service easement.

Recommendation: PUBLIC HEARING and adoption of a resolution to vacate the 20-foot wide public service easement along the rear of five single-family residential lots on Daryl View Court (Lots 1 through 5, Tract 9357). CEQA: Exempt, PP02-09-261.
Council District 8. (Public Works)

Resolution No. 71221 adopted.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.6 Approval of various actions related to the Mayfair Neighborhood Acquisition/Rehabilitation Pilot Program.

Recommendation:

- (a) Approval of amendments to the agreements with Neighborhood Housing Services Silicon Valley to expand the Mayfair Neighborhood Acquisition/Rehabilitation Pilot Program into all strong Neighborhoods Initiative (SNI) Areas. (Housing)
- (b) Direction to staff to return to Economic Development and Environment Committee in 6 months.

[Economic Development and Environment Committee referral 9/9/02 – Item 4.1(d)]

Council approved the actions related to the Program with direction to Staff to return to Committee in six months with a status report, and to include in that report any progress made in expanding the areas for acquisition/rehab/housing stock.

5 RECREATION & CULTURAL SERVICES

5.1 Report of the Education, Neighborhoods, Youth, and Seniors Committee Council Member Chavez, Chair No Report.

5.2 Acceptance of the 2002 Public Art Workplan Second Quarter Report and Maintenance and Repair Report for Public Artworks.

Recommendation: Acceptance of the 2002 Public Art Workplan Second Quarter Report and Maintenance and Repair Report for Public Artworks. CEQA: Not a Project. (Conventions, Arts and Entertainment)

Council accepted the Reports and directed Staff (a) to provide Council with comprehensive timeline for completion and installation of the Paseo Villa Condominiums artwork, and pending resolution of legal issues, the “placement date” for the project; (b) to clarify in future reports the two phases of the Joint Library project, those that are building specific and those that are independent and in community development stages; (c) to provide a progress report on the Public Art Master Plan prior to contracting out work for the I-880/Coleman Interchange at the Airport; and (d) for the O&P Bond Projects that Staff ensure the art process begins with the community.

5 RECREATION & CULTURAL SERVICES

5.3 Approval of an agreement for the Berryessa Youth Center.

Recommendation: Approval of an agreement with the Berryessa Union School District for the construction of the Berryessa Youth Center and joint operation, between the City of San José and the Berryessa Union School District, of the center to be located at Morrill Middle School. CEQA: Exempt, PP02-09-250. Council District 4. (Parks, Recreation and Neighborhood Services)

Deferred to 10/01/02.

5.4 Approval of the Buena Vista Park Master Plan.

Recommendation: Approval of the Buena Vista Park Master Plan. CEQA: Exempt, PP02-08-208. Council District 6. SNI: Burbank/Del Monte. (Parks, Recreation and Neighborhood Services)

Approved with Staff directed to review for revision the development schedule for completion of project design and construction and return to Council with recommendation for a more aggressive timeline to be included in the contract.

5.5 Approval of the 6th & William Street Park Master Plan.

Recommendation: Approval of the 6th & William Street Park Master Plan. CEQA: Exempt, PP02-04-084. Council District 3. SNI: University. (Parks, Recreation and Neighborhood Services)

Deferred to 10/01/02.

5.6 Approval to award a contract for the Alviso and Northwood Parks Youth and Tot Lot Renovation Project.

Recommendation: Report on bids and award of contract for the Alviso and Northwood Parks Youth and Tot Lot Renovation Project to the low bidder, Robert A. Bothman, Inc., in the amount of \$607,130, and approval of a contingency in the amount of \$61,000. Alviso Park CEQA: Exempt, PP02-06-169. Northwood Park CEQA: Exempt, PP02-06-170. Council District 4. (Public Works)

Approved with direction to Staff to place appropriate signs when the fence is installed around the perimeter of the construction site.

5 RECREATION & CULTURAL SERVICES

5.7 Approval to award a contract for the Cimarron and San Tomas Parks Youth and Tot Lot Renovation Project.

Recommendation: Report on bids and award of contract for the Cimarron and San Tomas Parks Youth and Tot Lot Renovation Project to the low bidder, Robert A. Bothman, Inc, for the base bid and Add Alternates Nos. 1-4 in the amount of \$464,218, and approval of a contingency in the amount of \$23,000. San Tomas Park CEQA: Exempt, PP02-07-187. Cimarron Park CEQA: Exempt, PP02-07-186. Council Districts 1 and 5. (Public Works)

Approved.

6 TRANSPORTATION SERVICES

6.1 Approval of the Traffic Calming One-Year Status Report.

Recommendation: Approval of the one-year Traffic Calming Status Report. CEQA: Not a Project. (Transportation)
(Rules Committee referral 9/18/02)

Council approved the Report with Staff directed to submit a report responding to Council concerns, including the following:

- **Identify the locations and assess the use of speeds bumps where applicable**
- **Public Works and Department of Transportation to address traffic calming as it relates to City projects, such as the area from Hostetter to Piedmont**
- **In the absence of uniformed officers, ascertain the effectiveness of NASCOP utilized on neighborhood streets requiring 35 MPH speed limit**
- **Report to Council with the funding source and Departments responsible for design and implementation of projects in SNIs or any other areas overlapped by Redevelopment**
- **Consistently work with developers on traffic calming measures**
- **As it relates to parks and libraries, synchronize traffic signals to respond to pedestrians instead of vehicular movement**
- **Regarding payment strategy, review contracts for exact amounts and expenditures**
- **Develop methods for linking the efforts of Parking Enforcement Officers and crossing guards**

This item continued on the next page.

6 TRANSPORTATION SERVICES

6.1 Approval of the Traffic Calming One-Year Status Report. (Cont'd.)

Recommendation: Approval of the one-year Traffic Calming Status Report. CEQA: Not a Project. (Transportation)

(Rules Committee referral 9/18/02)

Council approved the Report with Staff directed to submit a report responding to Council concerns, including the following:

- **Discuss with School Districts the responsibility for increasing salaries of crossing guards**
- **Meet monthly with County Administration to identify remaining County pockets in the City of San José and to address associated problems**
- **Review possible expansion of NASCOP equipment vans based on community needs and explore the possibility of housing the vans at Fire Stations**
- **Regarding “Effectiveness” measurements, provide Council with the log showing the levels of effectiveness, and include in the log the tentative maps regarding traffic calming**
- **Staff to work together on a cost benefit analysis that would support regular radar enforcement**
- **Staff to meet with Council District Offices to discuss traffic calming priorities, the use of Redevelopment funds for traffic calming in SNI areas, and criteria governing budget decisions for the installation of stoplights**
- **Police Department to investigate the use of motorized cycles or scooters as it relates to “sidewalk calming” measures**

7 ENVIRONMENTAL & UTILITY SERVICES

7.1 Approval of various actions related to commercial franchise fees.

Recommendation:

- (a) Adoption of a resolution revising the Commercial Solid Waste Collection Franchise Fee for service performed on or after October 1, 2002, as follows:
- (1) For each uncompacted cubic yard collected, increase the Franchise Fee from \$2.84 to \$2.98 per cubic yard.
 - (2) For each compacted yard, increase the Franchise Fee from \$8.52 to \$8.94 per cubic yard.

This item continued on the next page.

7 ENVIRONMENTAL & UTILITY SERVICES

7.1 Approval of various actions related to commercial franchise fees. (Cont'd.)

Recommendation:

- (a) Adoption of a resolution revising the Commercial Solid Waste Collection Franchise Fee for service performed on or after October 1, 2002, as follows:
 - (3) Provide an exemption from the Franchise Fee for the first 23,400 cubic yards of un-compacted solid waste (or the equivalent of compacted solid waste) collected in any fiscal year (July 1-June 30).
- (b) Adoption of a resolution amending the 2002-2003 Schedule of Fees and Charges to revise the Commercial Solid Waste Source Reduction and Recycling (AB939) Fee effective October 1, 2002, as follows:
 - (1) For each uncompacted cubic yard collected, decrease the fee from \$1.00 to \$0.86 per uncompacted cubic yard.
 - (2) For each compacted cubic yard collected, decrease the fee from \$3.00 to \$2.58 per cubic yard.

CEQA: Not a Project. (Environmental Services)

Deferred to 10/08/02.

7.2 Approval of various actions for the Sanitary Sewer Master Plan Agreements.

Recommendation: Approval of agreements with MWH Americas, Inc., Brown and Caldwell, and Raines Melton Carella, Inc., for consultant services for the Sanitary Sewer Master Plan Agreements in an aggregate amount not to exceed \$2,541,723, broken down as follows:

- (a) MWH Americas, Inc. for Basic Services in the amount of \$731,818, with Additional Services in the amount of \$73,182, for a total agreement amount of \$805,000.

Approved.

- (b) Raines Melton and Carrella for Basic Services in the amount of \$896,760, with Additional Services in the amount of \$89,680, for a total agreement amount of \$986,440.

Approved.

- (c) Brown and Caldwell for Basic Services in the amount of \$682,075, with Additional Services in the amount of \$68,208, for a total agreement amount of \$750,283.

CEQA: Not a project. Council Districts 2, 3, 4, 6, 7, and 9. (Public Works)

Approved.

8 AVIATION SERVICES

8.1 Approval of various actions related to Moffett Field.

Recommendation:

- (a) Adoption of a resolution to restate and update the City policy that future uses of Moffett Field and property adjacent to the airfield should be consistent with future civil aviation use of Moffett Field and repealing Resolution No. 66096.

Resolution No. 71222 adopted.

Council directed the Administration to include language in the resolution that would relate to Moffett's continuing availability in times of disaster relief.

- (b) Direction to the Planning, Building and Code Enforcement Department to prepare a text amendment to the San José 2020 General Plan to incorporate City Policy on Moffett Field.

CEQA: Not a Project. (Airport)

Council approved direction to Staff.

9 PUBLIC SAFETY SERVICES

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

- Closed Session Report
- Notice of City Engineer's Pending Decision on Final Maps
In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:
None.

In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:
None.
- **Open Forum.**
Pete Campbell addressed the City Council.

- **Adjournment**

The Council of the City of San José adjourned at 4:25 p.m. in memory of Sam Carlino, dedicated husband, father, brother, and successful businessman who co-founded Sam's BBQ in 1992, a San José favorite; in memory of Ms. Jane Gilmore, mother to Debbie Rocha, District 6 and grandmother to Donald Rocha, District 8; in memory of Penny Brunello, dedicated wife, mother, sister, grandmother, co-founder of Le Boulanger Bakery and a devoted volunteer to many charities; and in memory of Robert Podesta, a WWII veteran, founder of his own FM radio station which later became KARA, a renaissance man who contributed many of his talents in making San José a great place to live.

**JOINT CITY OF SAN JOSÉ
CITY COUNCIL/FINANCING AUTHORITY
SYNOPSIS**

4:35 P.M

TUESDAY, SEPTEMBER 24, 2002

CHAMBERS

1. Call to Order

Absent: Council Member Williams (excused)

This Item heard in conjunction with Item 3.5

2. Approval of various actions related to the Hayes Conference Center.

Recommendation:

- (a) Acceptance of the report of HVS, International entitled, Market Study, Operational Review, and Cash Flow Analysis: Hayes Mansion Conference Center.

Report accepted. Noes: Reed.

- (b) Adoption of a resolution by the City Council authorizing the City Manager to negotiate and execute an amendment to the Second Amended and Restated Agreement to lease by and between City of San José and Hayes Renaissance, L.P. (HRLP) to facilitate short term economic relief for HRLP, in a total amount not to exceed \$4.85 million, including utilization of the Hayes Mansion Trust Fund and the capital reserve account in the Community Facilities Revenue Fund for payment of the Phase I and Phase III debt service on behalf of HRLP and providing a line of credit to HRLP for necessary operating expenses and further authorizing the City Manager to take other actions related to providing HRLP with economic relief;

Resolution No. 71223 adopted. Noes: Reed.

- (c) Adoption of a resolution by the City of San José Financing Authority to clarify and supplement the authorized expenditures of the Hayes Mansion Trust Fund, including the transfer of a portion of these funds to City;

Resolution No. SJFA-58 adopted. Noes: Reed.

- (d) Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with HVS, International for consultant services for the period October 1, 2002 to June 30, 2003, for monitoring and evaluation of Hayes Conference Center operations and related services at a cost not to exceed \$112,500.

Resolution No. 71224 adopted. Noes: Reed.

2. Approval of various actions related to the Hayes Conference Center. (Cont'd.)

(e) Adoption of the following appropriation ordinance and funding sources resolution amendments in the Community Facilities Revenue Fund:

- (1) Decrease the Reserve for Hayes Capital Improvements by \$1,500,000;
 - (a) Establish an appropriation for the Hayes Mansion Line of Credit in the amount of \$ 3,000,000;
 - (b) Increase the earned revenue estimate by \$1,500,000.

Ordinance No. 26742 adopted. Noes: Reed.

Resolution No. 71225 adopted. Noes: Reed.

(f) Direct the Administration to provide a report to the City Council by December 17, 2002 on the performance of the Hayes Conference Center and the status of lease marketing efforts by HRLP.

CEQA: Negative Declaration. Council District 2. (City Manager's Office)

(Rules Committee referral 9/18/02)

Council approved direction to the Administration to return to Council in December 2002 with reports on the performance of the Center and marketing efforts of the lessee. Noes: Reed.

3. Adjournment

The meeting was adjourned at 5:18 p.m.